

JAN. 13. 2004 5:31PM 858 792-6773 FOLEY AND LARDNER

NO. 7284 P. 1

**FOLEY LARDNER**  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYLARDNER.COM

RECEIVED  
CENTRAL FAX CENTER

JAN 13 2004

**OFFICIAL**

**FACSIMILE TRANSMISSION**

Total # of Pages: 9 (including this page)

TO:	PHONE #:	FAX #:
Examiner S. Gollamudi - Art Unit 1616 Commissioner for Patents Mail Stop RCE	(703) 306-5439	(703) 872-9306

From: Stephen E. Reiter *SE*  
Sender's Direct Dial: 858.847.6711  
Date: January 13, 2004  
Client/Matter No: 071243-1317  
User ID No: 1877

**MESSAGE:**

**OFFICIAL**

Re: Application Serial No. 09/847,945

Following are:

Request for Continued Examination (RCE) (4 pgs.-in dupl.. = 8 pgs.).

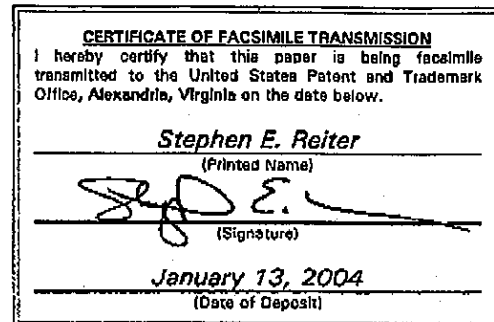
Operator:	Time Sent:	Return Original To: Joy Day
-----------	------------	--------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. ABI1460-3  
(071243-1317)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Desai et al.  
Title: COMPOSITIONS AND  
METHODS FOR  
TREATMENT OF  
HYPERPLASIA  
Appl. No.: 09/847,945  
Appl. Filing Date: 05/02/2001  
Examiner: S. Gollamudi  
Art Unit: 1616



RECEIVED  
CENTRAL FAX CENTER

JAN 13 2004

OFFICIAL

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

[ X ] Please enter and consider the amendment/reply previously filed on 11/18/2003.

Atty. Dkt. No. ABI1460-3  
(071243-1317)

- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on \_\_\_.
- ☐ Other \_\_\_.
- b. Enclosed are:
- ☐ Amendment/Reply.
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of \_\_\_ listed reference(s).
- ☐ Other .

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	= \$770.00
Total Claims:	30	- 30	= 0	x \$18.00	= \$0.00
Independents	7	- 7	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$770.00

Atty. Dkt. No. ABI1460-3  
(071243-1317)

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the  
total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$950.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00		\$0.00
	EXTENSION FEE SUBTOTAL:			\$0.00
	EXTENSION FEE ALREADY PAID:	-		\$0.00
	EXTENSION FEE TOTAL			\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:			\$770.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	TOTAL FEE:			\$770.00

- ☒ Please charge Deposit Account No. 50-0872 in the amount of \$770.00. A duplicate copy of this transmittal is enclosed.

- ☐ A check in the amount of \$770.00 \_\_\_\_\_ to cover the filing fee is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Atty. Dkt. No. ABI1460-3  
(071243-1317)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: January 13, 2004

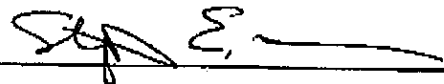
FOLEY & LARDNER

Customer Number: 30542

Telephone: (858) 847-6711

Facsimile: (858) 792-6773

By



Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192